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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,685	07/28/2004	James A Mulvihill	04098	4684
36547	7590	11/17/2005	EXAMINER ENGLE, PATRICIA LYNN	
BIR LAW, PLC 45094 MIDDLEBURY CT. CANTON, MI 48188-3215			ART UNIT 3612	
PAPER NUMBER				
DATE MAILED: 11/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/710,685

Applicant(s)

MULVIHILL ET AL.

Examiner

Patricia L. Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/28/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 10-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Labeur (US Patent 6,003,926).

Regarding claim 1, Labeur discloses a storage system for a vehicle, the system comprising: a vertical trim panel (3) having a cavity (4); an end panel (1)) having a handle (17) for deploying and stowing the storage system from the vertical trim panel; a flexible cargo retaining element (2) having a first end secured within the cavity of the vertical trim panel (3) and a second end secured to the end panel (1), the cargo retaining element extending from the cavity to the end panel to form a receptacle for receiving cargo when the end panel is deployed from the vertical trim panel (Fig. 1), and collapsing into the cavity to be hidden from view when the end panel is stowed in the vertical trim panel (column 3, lines 23-24).

Regarding claim 4, Labeur discloses the storage system of claim 1 wherein the cargo retaining element (3) is removably secured (column 1, lines 59-60) within the cavity and removably secured to the end panel (1) to facilitate removal of the retaining element and any cargo from the vehicle.

Regarding claim 10, Labeur discloses the storage system of claim 1 wherein the vertical trim panel (3) is disposed within a trunk of the vehicle.

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Regarding claim 11, Labeur discloses the storage system of claim 1 wherein the end panel (1) fits substantially flush with the vertical trim panel (3) when the storage system is stowed.

Regarding claim 12, Labeur discloses an integrated storage system for an interior portion of a vehicle, the storage system comprising: a flexible cargo retainer (2) extendable from a vertical trim panel (3) of the vehicle to form a receptacle for receiving cargo when in use, the cargo retainer (2) being retractable within the vertical trim panel (3) of the vehicle to be substantially hidden from view when not in use.

Regarding claim 16, Labeur discloses the storage system of claim 12 wherein the cargo retainer (2) is removably secured to the vertical trim panel to facilitate removal from the vehicle (column 1, lines 59-60).

Regarding claim 17, Labeur discloses the integrated storage system for a vehicle, the storage system comprising: an expandable container (2) secured to and extendable from a vertical panel (3) of the vehicle to at least one predetermined position to accommodate cargo, the container (2) being collapsible to be substantially flush with the vertical panel when not in use.

Regarding claim 18, Labeur discloses the storage system of claim 17 wherein the container (2) includes a semi-rigid end panel (1) having a handle (17) to facilitate expanding and collapsing of the container.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 3, 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labeur in view of Eguchi (US 2004/0094984)

Labeur discloses the storage system of claims 1, 4, 10-12 and 16-18.

Labeur does not disclose that the cargo retaining element comprises a net (claims 2, 19) or fabric (claim 3) which extends from elastomeric cords (claim 5).

Eguchi discloses a storage system for a vehicle wherein the cargo retaining element (1) comprises a net (9) or fabric (9) which extends from elastomeric cords (3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a netting or a fabric on the elastomeric cords as taught by Eguchi.

The motivation would have been to prevent smaller objects from escaping from the container area of the elastomeric cords.

Therefore, it would have been obvious to combine Eguchi with Labeur to obtain the invention as specified in claims 2, 3, 5 and 19.

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6. Claims 6, 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labeur in view of Labeur '283 (US Patent 6,007,283).

Labeur discloses the storage system of claims 1, 4, 10-12 and 16-18.

Labeur does not disclose that the end panel is supported on a vehicle floor panel by a plurality of recesses (claims 6, 7 and 20).

Labeur '283 discloses a storage system for a vehicle wherein the cargo retaining element is supported in a plurality of positions on the vehicle floor by a plurality of recesses.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of recesses in the vehicle floor to allow the end panel to be held in a plurality of positions.

The motivation would have been to allow the cargo storage area to be a plurality of sizes without squeezing the objects held therein.

Therefore, it would have been obvious to combine Labeur '283 with Labeur to obtain the invention as specified in claims 6, 7 and 20.

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labeur in view of Youngs et al. (US 6,908,269).

Labeur discloses the storage system of claims 1, 4, 10-12 and 16-18.

Labeur does not disclose that end panel includes rotatable hooks.

Youngs et al. discloses a storage system for a vehicle wherein the cargo retaining element (29) includes a rotatable hook (22) which allows the cargo retaining element to be hooked to the opposite trim panel (Fig. 1) or to be used as hook when the cargo retaining element is retracted.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to include a rotatable hook member connected to the end panel of Labeur.

The motivation would have been to allow the storage system to be stretched across the entire width of the vehicle storage space or to allow small objects to be held when the end panel is flush with the trim panel.

Therefore, it would have been obvious to combine Youngs et al. with Labeur to obtain the invention as specified in claims 13-15.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Labeur in view of Labeur '283 as applied to claims 6 and 7 above, and further in view of Youngs et al.

Labeur as modified discloses the storage system of claims 1, 4, 6, 7, 10-12 and 16-18.

Labeur as modified does not disclose that end panel includes rotatable hooks.

Youngs et al. discloses a storage system for a vehicle wherein the cargo retaining element (29) includes a rotatable hook (22) which allows the cargo retaining element to be hooked to the opposite trim panel (Fig. 1) or to be used as hook when the cargo retaining element is retracted.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a rotatable hook member connected to the end panel of Labeur.

The motivation would have been to allow the storage system to be stretched across the entire width of the vehicle storage space or to allow small objects to be held when the end panel is flush with the trim panel.

Therefore, it would have been obvious to combine Youngs et al. with Labeur to obtain the invention as specified in claim 8.

9. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Labeur.

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Labeur discloses the storage system of claims 1, 4, 10-12 and 16-18.

Labeur does not specifically disclose the trim panel is secured to a rear portion of a passenger seat. However, Labeur does disclose that the non-integral embodiment are placed on a more or less planar internal wall of a motor vehicle. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the non-integral embodiment on the rear surface of a passenger seat. The motivation would have been to allow storage behind the vehicle seat.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other vehicle storage systems.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Engle whose telephone number is (571) 272-6660.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle  
Primary Examiner  
Art Unit 3612

ple  
November 13, 2005